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— LLP —  
L A W Y E R S

E-Filed on 3/11/10

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,<sup>1</sup>

USA Capital Diversified Trust Deed Fund,  
LLC,

USA Capital First Trust Deed Fund, LLC,<sup>2</sup>

USA Securities, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**NOTICE OF ENTRY OF ORDER  
SUSTAINING OBJECTION OF  
USACM TRUST TO PROOFS OF  
CLAIM BASED, IN WHOLE OR IN  
PART, UPON INVESTMENT IN  
PALM SPRINGS MARQUIS HOTEL  
LOAN (EXCEPT AS TO VOSS  
FAMILY TRUST PROOF OF  
CLAIM)**

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007



# EXHIBIT A



Entered on Docket  
February 25, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF  
USACM TRUST TO PROOFS OF CLAIM  
BASED, IN WHOLE OR IN PART, UPON  
INVESTMENT IN PALM SPRINGS  
MARQUIS HOTEL LOAN (EXCEPT AS  
TO VOSS FAMILY TRUST PROOF OF  
CLAIM)**

Hearing Date: February 5, 2010  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Objection Of USACM Trust To Proofs Of Claim  
2 Based, In Whole Or In Part, Upon Investment In Palm Springs Marquis Hotel Loan (the  
3 “Marquis Hotel Loan”) [DE 7917] (the “Objection”); the Court having heard the Objection  
4 on February 5, 2010; appropriate notice of the Objection having been given; no response  
5 to the Objection having been filed; and good cause appearing:

6 **IT IS ORDERED** that:

- 7 1. The Objection [DE 7917] is sustained;
- 8 2. The Objection to the Voss Family Trust claim was withdrawn on the ground  
9 that the response to the objection [DE 7940] filed by Voss Family Trust admits that the  
10 Voss Family Trust was paid in full on this loan.
- 11 3. The claims listed on **Exhibit A** attached are disallowed in the amounts  
12 shown to the extent those claims are based upon individual investors’ investment in the  
13 Marquis Hotel Loan because the individual investors were paid in full on their investments  
14 in the Marquis Hotel Loan.
- 15 4. The claims listed on Exhibit A are not affected by this order to the extent  
16 they are based upon an investment in another loan.

17 PREPARED AND RESPECTFULLY SUBMITTED BY:

18 **LEWIS AND ROCA LLP**

19  
20 By /s/ John Hinderaker (018024)  
21 Rob Charles  
22 John Hinderaker (*pro hac vice*)  
23 3993 Howard Hughes Parkway, Ste. 600  
24 Las Vegas, Nevada 89169-5996  
25 Telephone: (702) 949-8320  
26 Facsimile: (702) 949-8321

*Attorneys for USACM Liquidating Trust*

1 APPROVED/DISAPPROVED

2  
3 By: Voss Family Trust  
4 Voss Family Trust  
5 Wolf and Claudia Voss, Trustees  
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

|   |   |
|---|---|
| U.S. Trustee:   |   |
| <input type="checkbox"/> approved the form of this order                        | <input type="checkbox"/> disapproved the form of this order           |
| <input checked="" type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document            |
| Other Party: VOSS FAMILY TRUST  |   |
| <input type="checkbox"/> approved the form of this order                        | <input type="checkbox"/> disapproved the form of this order           |
| <input type="checkbox"/> waived the right to review the order and/or            | <input checked="" type="checkbox"/> failed to respond to the document |

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Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ JH (#018024)  
Rob Charles  
John Hinderaker (*pro hac vice*)  
Attorneys for USACM Liquidating Trust

USACM TRUST  
PAID LOAN OBJECTIONSMULTIPLE LOAN CLAIMS  
MARQUIS HOTEL

## Exhibit A

| Claim                  | Name  | Address   | Total Claim Amount       | Approximate Amount Subject to Objection Because it Relates to an Investment In the Marquis Hotel Loan |
|------------------------|---|---|--------------------------|---|
| 10725-01408            | Alexander Ind & As Trustees, Stanley & Florence | P.O. Box 95144<br>Longwood, FL 32779  | \$ 400,000.00            | \$ 37,500.00  |
| 10725-01579            | Cielen, James                                   | 2880 Bicentennial Pkwy Ste 100-223<br>Henderson, NV 89044                             | \$ 43,750.00             | \$ 12,500.00  |
| <del>10725-01653</del> | <del>Voss Family Trust<br/>Dtd 10/4/99</del>    | <del>Voss, Wolf &amp; Claudia Tees<br/>14 Via Ambra<br/>Newport Beach, CA 92657</del> | <del>\$ 346,662.00</del> | <del>\$ 25,000.00</del>   |